

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DAVID LEE EUNICE, SR.)	
)	
Plaintiff,)	
)	
v.)	Case No. CV414-062
)	
CYNTHIA DITSLEAR, DDS,)	
WARDEN KATHLEEN KENNEDY,)	
D.W. HENRY, and MISS MICKENS,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This is inmate-plaintiff David Lee Eunice's second complaint suing the same defendants for failing to provide him with dental implants. (Doc. 1.) *See Eunice v. Distlenr ("Eunice I")*,¹ No. CV413-275 (S.D. Ga. Aug. 25, 2014). This case is duplicative and fails for the same reasons explained in *Eunice I*. Accordingly, it should be **DISMISSED**.

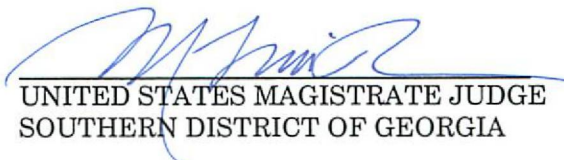
Nevertheless, plaintiff must pay his filing fee. His furnished account information shows that he has no funds in his prison account during the past six months. (Doc. 5.) He therefore owes no partial filing fee. *See* 28 U.S.C. § 1915(b)(1) (requiring an initial fee assessment

¹ In the first complaint, Eunice's handwriting led the Court to misspell Ms. Ditslear's name.

“when funds exist,” under a specific 20 percent formula). His custodian (or designee) therefore shall remit to the Clerk of Court (payable to the “Clerk of Court”) 20 percent of all future deposits to the account, then forward those funds to the Clerk each time the set aside amount reaches \$10.00, until the balance of the Court's \$400.00 filing fee has been paid in full.

Also, the Clerk is **DIRECTED** to send this Order to plaintiff's account custodian immediately, as this payment directive is nondispositive within the meaning of Fed. R. Civ. P. 72(a), so no Rule 72(b) adoption is required. In the event plaintiff is transferred to another institution, his present custodian shall forward a copy of this Order and all financial information concerning payment of the filing fee and costs in this case to plaintiff's new custodian. The balance due from the plaintiff shall be collected by the custodian at his next institution in accordance with the terms of this Order.

SO REPORTED AND RECOMMENDED, this 27th day of October, 2014.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA